



HARMONIZED SYSTEM
REVIEW SUB-COMMITTEE

-
28th Session
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NR0438E1
(+ Annex)

O. Eng.

Brussels, 14 July 2003.

COMPREHENSIVE REVIEW OF THE EXPLANATORY NOTES
POSSIBLE AMENDMENT OF THE EXPLANATORY NOTES TO

HEADINGS 90.11 TO 90.33

(Item III.C.10 on Agenda)

Reference documents :

NR0309E1 (RSC/26)
NR0332E2 – Annex E/18 (RSC/26 – Report)
NR0364E1 (RSC/27)

NR0384E1 (RSC/27)
NR0400E3, Annexes E/10 and F/35 (RSC/27 – Report)

I. BACKGROUND

1. At its 27th Session, the Sub-Committee continued its discussion on the possible amendment of the Explanatory Notes to headings 90.11 to 90.33.
2. Although there was general agreement with many of the proposed amendments, the Sub-Committee felt that certain remaining questions should be resolved before the amendments were approved. In order to identify the remaining questions, the Sub-Committee agreed to place square brackets around those texts for which further discussion was necessary. The Sub-Committee agreed to address these texts at its next session on the basis of additional proposals from administrations, review of additional technical information by administrations, and, where appropriate, redrafted language based on an editorial review by the Secretariat. All the other proposals were agreed upon and will be reviewed, if necessary, when the Sub-Committee considers the specific texts that remain in square brackets.
3. The texts for which there was general agreement and those placed in square brackets are reproduced in the Annex to this document.

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II. SECRETARIAT COMMENTS

4. At the time of preparing this document, the Secretariat had not received additional proposals or additional technical information from administrations. The texts in square brackets in the Annex call for the following comments.

Heading 90.13

Page 1793. First paragraph.

5. The Secretariat has aligned the presentation of the amendment in the English version on that in the French.

Heading 90.14

Page 1795. Exclusion paragraph. Exclusion (a).

6. The Secretariat has aligned the presentation of the amendment in the English version on that in the French.

Heading 90.15

Page 1798. Part (VI). Second paragraph. New item (3).

7. In reviewing the French and English versions of new item (3), which were approved by the Sub-Committee, the Secretariat has concluded that the French version might not be aligned with the English. Where the French version uses the expression “gradiomètres électromagnétiques”, the English one refers to “electronic magnetic gradiometers”. The Secretariat considers the English as the correct one and suggests aligning the French text on the English by replacing “gradiomètres électromagnétiques” by “gradiomètres magnétiques électroniques”. The original and the alternative texts have been placed in square brackets in the Annex.

Heading 90.17

Page 1801. Part (D). Third paragraph. Item (1). First sentence.

8. The Secretariat has aligned the presentation of the amendment in the French version on that in the English.

Page 1801. Part (D). Third paragraph. New item (5).

9. The proposal was placed in square brackets, pending further information, as requested by the **EC** Delegate.

Heading 90.18

Page 1803. Part (I). First paragraph. Item (A) (1).

10. Following an intervention by the Delegate of **Switzerland** wondering whether there was a definition of “blanks”, the Sub-Committee decided to place the proposed amendment in square brackets, pending receipt of further information.

11. The Secretariat would like to point out that, on the basis of General Interpretative Rule 2 (a), the scope of a heading is extended to cover not only the complete article, but also that article incomplete or unfinished. Item (II) of the Explanatory Note to GIR 2 (a), on page 2, stipulates the following :

“(II) The provisions of this Rule also apply to **blanks** unless these are specified in a particular heading. The term “ **blank** ” means an article, not ready for direct use, having the approximate shape or outline of the finished article or part, and which can only be used, other than in exceptional cases, for completion into the finished article or part (...).

Semi-manufactures not yet having the essential shape of the finished articles (such as is generally the case with bars, discs, tubes, etc.) are not regarded as “ blanks ”.

12. The above description applies to the whole Nomenclature, including any reference to “blanks” in the Explanatory Note of heading 90.18. If the Sub-Committee considers it appropriate to describe “blanks for surgical needles” in a more detailed way, the Secretariat suggests inserting such text in the above-referenced Explanatory Note to GIR 2 (a), rather than in the Explanatory Note to heading 90.18.

Page 1806. Part (II). First paragraph. Item (8).

13. The Secretariat has aligned the presentation of the amendment in the French version on that in the English version.

Page 1807. New part (IV).

14. The **US** Delegate had informed the Sub-Committee that he would submit a new proposal with a view to clarifying the structure of this part and present part (IV) (renumbered part (V)).

Heading 90.19

Page 1812. Part (V). New item (D).

15. The text of this item is in square brackets pending information to be provided by **Australia**, following the statement of the **EC** Delegate that, since heading 90.19 covered therapeutic respiration apparatus, it was difficult to state that respiration masks were also classified in that heading.

Page 1812. Part (VI). Second paragraph.

16. The text was placed in square brackets following the suggestion from the **US** Delegate that the Secretariat should have a further look into the proposed wording.

17. The Secretariat would like to point out that the proposed text refers to the type of apparatus comprised in Classification Opinion 9019.20/1. From a presentation point of view, the Secretariat would suggest replacing the comma after “cartridge” by a semi-colon (English version only). The duly amended text is reproduced in the Annex to this document.

Heading 90.20

Page 1813. Exclusion paragraph. New exclusion (d).

18. Following the decision of the Sub-Committee to place proposed new item (D) of heading 90.19 in square brackets, proposed new exclusion (d) to heading 90.20 was also placed in square brackets.

III. CONCLUSION

19. The Review Sub-Committee is invited to examine the draft amendments in square brackets in the Annex to this document, taking into account the Secretariat's comments in paragraphs 4 to 18 above.

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